

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re:

**Jeffrey Foster,**

Debtor.

Chapter 11

Bankruptcy No. 22-06377

Honorable A. Benjamin Goldgar

**NOTICE OF MOTION**

**Please take notice** that, on **July 24, 2023, at 9:30 a.m.**, I will appear before the Honorable A. Benjamin Goldgar, or any other judge sitting in that judge's place, **either** in courtroom 642 of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn Street, Chicago, IL 60604, or electronically as described below, and present the motion to extend time to file amended plan and disclosure statement.

**All parties in interest, including the movant, may appear for the presentment of the motion either in person or electronically using Zoom for Government (audio only).**

**To appear by Zoom using the internet**, use this link:  
<https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

**To appear by Zoom using a telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

**Meeting ID and passcode.** The meeting ID for this hearing is 161 500 0972, and the passcode is 726993. The meeting ID and passcode can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without calling it.

Dated: July 17, 2023

**Jeffrey Foster,**

By: /s/ Justin R. Storer  
One of His Attorneys

Justin Storer (6293889)  
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## CERTIFICATE OF SERVICE

I, Justin Storer, an attorney, hereby certify that on July 17, 2023, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Motion* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the below Service List.

/s/ Justin R. Storer

## SERVICE LIST

### Registrants

(Service via ECF)

**Marcel Charles Duhamel**

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**Patrick S Layng**  
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**John F. Sullivan**

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**MOTION TO EXTEND THE TIME TO FILE  
AMENDED PLAN AND DISCLOSURE STATEMENT**

Now comes Jeffrey Foster, respectfully requesting an order extending by 30 days, to August 17, 2023, the time in which he may file an amended plan and disclosure statement.

In support of this motion, the Debtor states as follows:

1. The Court has jurisdiction over this motion pursuant to, among other things, 28 U.S.C. § 1334. The consideration of this motion is a core matter under 28 U.S.C. § 157.
2. On June 6, 2022 (the “**Petition Date**”), the Debtor filed a voluntary petition for relief under Chapter 7 of title 11, United States Code (11 U.S.C. §§ 101, et seq. (the “**Bankruptcy Code**”)), in the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division commencing the above referenced case (the “**Case**”).
3. On December 19, 2022, the Debtor, through counsel, filed his First Amended Plan of Reorganization, and Disclosure Statement.

4. Subsequent to that filing, the Debtor and his primary creditor, PNC Bank, N.A., entered into mediation to resolve the issues between them. During the mediation process, the Court entered orders extending the time for PNC and the Debtor to complete or undertake certain tasks that would be impacted by the settlement.

5. For example, on March 30, 2023, this Court entered an order “extending deadlines pending conclusion of mediation.” It provides, as relevant, that the deadline “for the debtor to file an amended plan and disclosure statement” was extended to May 3, 2023. The Court also entered orders extending PNC’s deadline for responding to the claim objection and complaint the Debtor filed and objecting to the Debtor’s exemptions.

6. During March and April, the Debtor and PNC finalized the terms of the settlement that had been reached during the mediation. On April 17, 2023, the Court entered an order approving the settlement between the Debtor and PNC (the “Settlement”). Dkt. No. 149.

7. The Settlement provides for a 150-day sale and marketing period for the Debtor’s Fiesta Way property and the payment of PNC’s claim of \$2,500,000 (plus other potential items referenced in the Settlement). That period commenced upon the recent approval of the Settlement.

8. Notably, since the prior request for extension of time to file his amended plan and disclosure statement, the debtor has received an offer to

purchase the Fiesta Way property for \$4,775.000.00. He is in discussion regarding that prospective contract.

9. The consummation of the Settlement and the terms of a plan for the Debtor are intertwined. The Settlement and its consummation impact the payment of the PNC claim, and potentially other claims.

10. Accordingly, the Debtor believes it is premature at this time to propose an amended plan and disclosure statement. Whether that circumstance will remain, including through the end of the 150-day sale period, is unknown at present. Accordingly, the Debtor requests an extension to submit an amended plan and disclosure statement, subject to further requests, if needed.

11. The current deadline for an amended plan and disclosure statement, pursuant to an earlier order of this Court, is July 18, 2023 (see dkt. 163 in this case).

12. Pursuant to Federal Rule of Bankruptcy Procedure 9006(b), except as provided by exceptions not relevant hereto, “when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed[...].”

13. The Debtor submits that a thirty-day extension of the deadline to file an amended plan and disclosure statement is warranted in this case.

**WHEREFORE**, the Debtor requests that this Court enter an order extending, to August 17, 2023, the time by which the Debtor may file an amended plan and disclosure statement, and for such other and further relief as this Court deems just and proper.

Dated: July 17, 2023

**Jeffrey Foster,**

By: *s/ Justin R. Storer*  
One of His Attorneys

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